

NYC Administration for Children’s Services
NYC Department of Correction
Horizon Juvenile Center Law Library Services Audit Report — January 2019

Pursuant to the six (6) month limited variance granted by the NYC Board of Correction on January 8th, 2019 related to the provisions of the NYC Board of Correction Minimum Standards §1-08(f) Access to Courts and Legal Services, including Law Library, the NYC Administration for Children’s Services (“ACS”), in conjunction with the NYC Department of Correction (“Department”), is permitted to allow for residents at Horizon Juvenile Center (“Horizon”) to receive Law library services through an alternate method. The related variance conditions require a monthly audit on compliance with the following variance conditions:

1. Horizon residents will be provided access to Lexis/Nexis research capacity via tablets, upon their request.
2. Horizon residents will have access to tablets for at least two (2) hours per day, seven (7) days a week, during daytime hours that do not conflict with schooling, programming, counseling, therapy sessions, and other required daily activities.
3. Horizon will have a skilled legal coordinator whose duties will include supporting Horizon residents in meeting their requests for assistance in performing legal research.
4. The legal coordinator will be onsite at Horizon at least five (5) days per week for a total of twenty (20) hours per week.

In January 2019, ACS commenced an audit on the provision of the alternate Law Library services for residents at Horizon in compliance with the variance conditions.

Audit Parameters

The audit is conducted through a manual review of the Legal Coordinator’s logbook, Horizon’s Non-DOC Staff logbook, completed Resident Law Library Request Forms (“Request Forms”), and an on-site inspection of legal research tablets and two (2) Lexis access points on four (4) random dates each month.

This audit report covers the following four random (4) dates in the month of January 2019:

- **January 9th**
- **January 17th**
- **January 23rd**
- **January 30th**

The Legal Coordinator’s logbook¹ is utilized to document the date, time, duration, and a brief summary of all duties performed, including each interaction with a resident, information discussed during individualized sessions, verbal requests for individualized sessions to access

¹ The Legal Coordinator’s Logbook is used to document compliance with the variance condition that the Legal Coordinator performs duties that include supporting residents in meeting their requests for assistance in performing legal research

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tablets and perform legal research with the Legal Coordinator’s assistance, and whether residents accessed tablets or were afforded assistance in performing legal research from the Legal Coordinator during individualized sessions. Request Forms are utilized to document individualized information for each youth request for an individualized session to access tablets with Lexis/Nexis research capacity or to receive assistance from the Legal Coordinator in performing legal research, including the date the request for an individualized session was made, the resulting date the individualized session was scheduled for, and the date the individualized session was fulfilled. The Non-DOC Staff² Logbook, located at the entrance to the facility, is utilized to verify the date and duration of time that the Legal Coordinator records they were on-site at Horizon in the Legal Coordinator’s Logbook.

Audits related to the Legal Coordinator are performed via:

- A manual review of the Request Forms to determine whether the Legal Coordinator was performing duties, which include assisting Horizon residents in performing legal research and accessing tablets with Lexis/Nexis research capacity upon request.
- A manual review of the Legal Coordinator’s logbook to determine whether the Legal Coordinator performed duties, which include assisting Horizon residents in performing legal research and accessing tablets with Lexis/Nexis research capacity upon request.
- A manual review of Horizons’ Non-DOC Staff logbook, to determine whether the Legal Coordinator was on-site to assist youth in performing legal research.

Audits related to access to tablets with Lexis/Nexis research capacity are performed via:

- A manual review of the Request Forms to determine whether individualized sessions to access tablets to perform legal research were scheduled upon request, and the date on which individualized sessions were scheduled, and the date on which individualized sessions were fulfilled.
- A manual review of the Legal Coordinator’s logbook to determine whether access to tablets with Lexis/Nexis research capacity was afforded to youth for at least two (2) hours per day, seven (7) days a week, during daytime hours that do not conflict with schooling, programming, counseling, therapy sessions, and other required daily activities.
- An on-site inspection of legal research tablets and the two (2) secure access points³ to determine whether the equipment was operational.
- An on-site inspection of available legal research tablets and the two (2) Lexis access points was conducted in order to determine whether the equipment was operational.

² The Non-DOC Staff Logbook should have two entries per day that the Legal Coordinator is on-site.

³ The Legal Coordinator only affirmatively documents when secure access points are non-functional.

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Audit Findings

Request Forms

Residents may request an individualized session to discuss a particular legal topic, or to access a tablet with Lexis/Nexis research capacity, or both by using the Request Form. To request an individualized session, they may complete a Request Form, which is available in each hall seven (7) days per week from 3:00pm to 9:00pm. Residents are able to submit Request Forms to the Legal Coordinator Mailbox, which is located as a permanent fixture in a common area outside of the cafeteria. This mailbox is available to all residents as they are escorted to the medical area or the Dining Hall on a daily basis, three times per day when they are provided meals. The Legal Coordinator collects the requests daily each morning that they are on-site. On the weekends, Case Managers collect Request Forms daily and respond to verbal requests from residents for access to tablets with Lexis/Nexis research capacity. Requests received by the Legal Coordinator Monday through Friday, and resulting individualized sessions, are recorded both on the Request Form and in the Legal Coordinator's logbook to document that the Legal Coordinator provided access to tablets with Lexis/Nexis research capacity upon request, and that the Legal Coordinator assisted residents in performing legal research.

Access to tablets with Lexis/Nexis research capacity

Residents conduct legal research through Lexis/Nexis using one of ten (10) ACS tablets or fifty (50) available American Prison Data Systems ("APDS") tablets with Lexis/Nexis access. Each tablet made available for legal research on a given day is inspected by the Legal Coordinator to determine if the tablet is operational and has Lexis/Nexis research capacity. If a tablet is determined to be inoperable or unable to access Lexis/Nexis, it is replaced for that session by a different tablet that has been inspected and determined to be operational. Two (2) specially installed access points provide secure remote access. All residents at Horizon may request access to Lexis/Nexis for legal research purposes for two (2) hours a day, seven (7) days a week by means of appointment for an individualized session. Request may be made verbally by speaking directly to the Legal Coordinator or Case Management staff⁴, or by submitting a Request Form. Individualized sessions to access tablets with Lexis/Nexis research capacity with the assistance of the Legal Coordinator are afforded during Law Library program hours, which occur from 3:00pm to 5:00pm, Monday through Friday.

On-site inspections

Through the conduction of this audit, it was determined that daily on-site inspections of tablets were performed to assess tablet functionality and access to Lexis/Nexis research capacity and/or

⁴ The Legal Coordinator is not on-site on weekend days, and as a result, Case Management staff provide access to tablets with Lexis/Nexis research capacity from 9am to 3pm, upon residents' request.

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access points with secure remote access. In order to determine functionality of secure remote access points, the Legal Coordinator attempts to activate the tablets by logging on. If tablets indicate an "Error" Message, the Legal Coordinator seeks ACS IT Support.

Weekend Law Library hours

Case Management staff are available to record Law Library services and protocols, and to determine functionality of access points and tablets on weekends and/or days in which Law Library staff is not present. Furthermore, posters have been placed in each Hall to inform residents of various means of accessing tablets with Lexis/Nexis research capacity, upon request, for two (2) hours per day, on weekend days, or any other day that Law Library staff is not present.

January 9th

Legal Coordinator on-site recordings

Based on a review of the Legal Coordinator's logbook, the Legal Coordinator was on-site at Horizon from 11:05 a.m. to 1:05 p.m. in order to conduct office hours. The entry in the logbook for provision of Law Library services on this date was recorded as taking place from 3:05 to 5:15 p.m., indicating that the Legal Coordinator was on-site for a total of at least 4 hours and 10 minutes.

Provision of Law Library Services

Based on a review of entries in the Legal Coordinator's logbook, on this audit date the Legal Coordinator conducted office hours from 11:05am to 1:05pm, during which residents in the cafeteria were able to verbally request consultation and/or an appointment for an individual session or access to a tablet with Lexis/Nexis capacity. In the logbook, the Legal Coordinator recorded that Law Library program hours, in which residents were afforded access to tablets with Lexis/Nexis research capacity and assistance from the Legal Coordinator in performing legal research, occurred from 3:05 p.m. to 5:15pm.

Upon review of the Legal Coordinator's logbook for this audit date, one (1) resident requested general information pertaining to court procedure(s), and seven (7) residents requested information relevant to their specific case. Each individualized session was between seven (7) and forty five (45) minutes in duration. All eight (8) requests were submitted verbally by eight (8) separate residents, directly to the Legal Coordinator.

Fulfillment of Requests for Appointments

Based on a review of the Legal Coordinator's logbook and Request Forms, two (2) of the residents consulted during office hours received follow-up visits from the Legal Coordinator. Additionally, two (2) residents who had not previously submitted a request accessed Law Library services via

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tablets with Lexis/Nexis research capacity. Each Law Library session lasted from fifteen (15) minutes to thirty (30) minutes in duration.

Request Forms

On January 9th, 2019, no Request Forms had been submitted by residents. As a result, an audit based on a review of the Request Forms to determine whether residents were provided with access to tablets with Lexis/Nexis research capacity upon written request could not be conducted.

Tablet Functionality and Secure Remote Access

Based on a review of Legal Coordinator's Logbook, it was determined through a manual inspection that Tablet #3, which was made available for use on this date, was functional. Both hot spots⁵ and the secure remote access point were recorded as functional on this audit date.

January 17th

Legal Coordinator on-site recordings

Based on a review of the Legal Coordinator's logbook, the Legal Coordinator was on-site at Horizon from 11:05 a.m. to 1:05 p.m. in order to conduct office hours. The entry in the logbook for provision of Law Library services on this date was recorded as taking place from 3:00 to 5:30 p.m., indicating that the Legal Coordinator was on-site for a total of at least 4 hours and 30 minutes.

Provision of Law Library Services

Based on review of the Legal Coordinator's logbook, on this audit date the Legal Coordinator conducted office hours from 11:05 am to 1:05 pm, during which residents in the cafeteria were able to verbally request consultation and/or an appointment for an individual session or access to a tablet with Lexis/Nexis capacity. In the logbook, the Legal Coordinator recorded that Law Library program hours, in which residents were afforded access to tablets with Lexis/Nexis research capacity and assistance from the Legal Coordinator in performing legal research, occurred from 3:15 p.m. to 5:30 pm.

Upon review of the Legal Coordinator's logbook for this audit date, one (1) resident requested access to tablets with Lexis/Nexis research capacity, six (6) residents requested information relevant to their specific case, and three (3) residents requested legal advocacy. Each individualized session was between ten (10) and thirty (30) minutes in duration. All ten (10)

⁵ Hot spots are mobile access points that the Legal Coordinator utilizes to ensure that tablets have continuous access to Lexis/Nexis when out of range of the secure remote access points.

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requests were submitted verbally by ten (10) separate residents, directly to the Legal Coordinator.

Fulfillment of Requests for Appointments

The one (1) resident request for Law Library access via tablet with Lexis/Nexis research capacity was fulfilled on this date. Additionally, two (2) residents who had not previously submitted a request accessed Law Library services to consult with the Legal Coordinator regarding their specific case. One (1) resident who received consultation during office hours received a follow-up visit. Each Law Library session lasted for fifteen (15) minutes to forty five (45) minutes in duration.

Request Forms

On January 17th, 2019, no Request Forms had been submitted by residents. As a result, an audit based on a review of the Request Forms to determine whether residents were provided with access to tablets with Lexis/Nexis research capacity upon written request could not be conducted.

Tablet Functionality and Secure Remote Access

Based on a review of the Legal Coordinator's logbook on this audit date, it was determined through a manual inspection that Tablets #6, #8, and #9, which were made available of Law Library services on this date, were functional. Hot Spot #1 and the secure remote access point were recorded as functional on this audit date.

January 23rd

Legal Coordinator on-site recordings

Based on a review of the Legal Coordinator's logbook, the Legal Coordinator was on-site at Horizon from 11:08 a.m. to 1:32 p.m. in order to conduct office hours. The entry in the logbook for provision of Law Library services on this date was recorded as taking place from 3:08 to 5:25 p.m., indicating that the Legal Coordinator was on-site for a total of at least 4 hours and 41 minutes.

Provision of Law Library Services

Based on review of the Legal Coordinator's logbook, on this audit date the Legal Coordinator conducted office hours from 11:08 a.m. to 1:32 p.m., during which residents in the cafeteria were able to verbally request consultation and/or an appointment for an individual session or access to a tablet with Lexis/Nexis capacity. In the logbook, the Legal Coordinator recorded that Law Library program hours, in which residents were afforded access to tablets with Lexis/Nexis research capacity and assistance from the Legal Coordinator in performing legal research, occurred from 3:08 p.m. to 5:25 p.m.

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Upon review of the Legal Coordinator's logbook for this audit date, two (2) residents requested access to tablets with Lexis/Nexis research capacity, three (3) residents requested legal advocacy, and five (5) residents requested information relevant to their specific case. Nine (9) requests were submitted verbally by nine (9) separate residents, directly to the Legal Coordinator. One (1) request was submitted to Case Management staff via a Request Form.

Fulfillment of Requests for Appointments

The two (2) resident requests for access to tablets with Lexis/Nexis research capacity were fulfilled on this date. Additionally, three (3) residents who had not previously requested Law Library services accessed Lexis/Nexis tablets on this date. Five (5) other residents accessed Law Library services for consultation with the Legal Coordinator. Each Law Library session lasted from five (5) minutes to twenty five (25) minutes in duration.

Request Forms

On January 23rd, 2019, one (1) Request Form was submitted by a resident. Upon review of the Legal Coordinator Logbook, it was determined that fulfillment of the written request was first attempted on January 24th, 2019, but the resident was in court, and was therefore unavailable for fulfillment of the requested appointment on that date. The request was fulfilled on January 25th, within 48 hours of submission.

Tablet Functionality and Secure Remote Access

Based on a review of the Legal Coordinator's logbook on this audit date, it was determined through a manual inspection that Tablets # 3 and #4, which were made available for Law Library services on this date, were functional. Both hot spots and the secure remote access point were also recorded as functional on this date.

January 30th

Legal Coordinator on-site recordings

Based on a review of the Legal Coordinator's logbook, the Legal Coordinator was on-site at Horizon from 11:06 a.m. to 1:06 p.m. in order to conduct office hours. The entry in the logbook for provision of Law Library services on this date was recorded as taking place from 3:06 to 5:06 p.m., indicating that the Legal Coordinator was on-site for a total of at least 4 hours.

Provision of Law Library Services

Based on review of the Legal Coordinator's logbook, on this audit date the Legal Coordinator conducted office hours from 11:06 a.m. to 1:06 pm, during which residents in the cafeteria were able to verbally request consultation and/or an appointment for an individual session or access to a tablet with Lexis/Nexis capacity. In the logbook, the Legal Coordinator recorded that Law Library program hours, in which residents were afforded access to tablets with Lexis/Nexis

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research capacity and assistance from the Legal Coordinator in performing legal research, occurred from 3:06 p.m. to 5:06 pm.

Upon review of the Legal Coordinator's logbook for this audit date, no residents requested access to tablets with Lexis/Nexis research capacity and three (3) residents requested print-outs of information relevant to their specific case. Each individualized session was twelve (12) minutes in duration. All three (3) requests were submitted verbally by three (3) separate residents, directly to the Legal Coordinator.

Fulfillment of Requests for Appointments

Although no residents requested Law Library access via tablet with Lexis/ Nexis research capacity during Office Hours, all three (3) residents' requests for print-outs were fulfilled. Furthermore, one (1) additional resident sought consultation with the Legal Coordinator during Law Library hours. Each Law Library session was between five (5) minutes to ten (10) minutes in duration.

Request Forms

On January 30th, 2019, no Request Forms had been submitted by residents. As a result, an audit based on a review of the Request Forms to determine whether residents were provided with access to tablets with Lexis/Nexis research capacity upon written request could not be conducted.

Tablet Functionality and Secure Remote Access

Based on a review of the Legal Coordinator's logbook on this audit date, it was determined through a manual inspection that Tablets #6 and #7, which were made available for Law Library services on this date, were functional. The secure remote access point was also recorded as functional on this date.

Audit Recommendations and Corrective Actions

The following recommendations for corrective actions have been implemented:

Legal Coordinator's Mailbox

- The Legal Coordinator has been advised to deliver the mailbox key, along with tablets, to the Case Management suite for weekend use. Furthermore, an order for a Law Library mailbox key copy has been placed with Horizon facilities.

The facility administration should implement the following corrective actions:

- Facility administration, in conjunction with Law Library staff, should ensure that Case Management staff record:
 - on-site inspections of ADPS tablets
 - requests for access to tablets with Lexis/Nexis research capacity

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- fulfillment of requests for access to tablets with Lexis/Nexis research capacity